

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RICHARD ABONDOLO, as Chairman of the  
Board of Trustees UFCW LOCAL 174  
COMMERCIAL HEALTH CARE FUND and  
RICHARD ABONDOLO, as Chairman of the  
Board of Trustees of UFCW LOCAL 174  
COMMERCIAL PENSION FUND,

Petitioner,

and

SUPREME OIL COMPANY, INCORPORATED,  
a/k/a SUPREME OIL COMPANY, INC.

Respondent.

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Civil Action No. 07 CIV 6537

AFFIRMATION OF  
LARRY M. COLE, ESQ.

Larry M. Cole, of full age, affirms as follows:

1. At various times in the above matter I acted as attorney for Respondent, Supreme Oil Company, Inc. On July 17, 2007 the United States District Court, Southern District of New York received a Notice and Petition to Vacate Arbitration Award which was filed under civil action no. 07-CIV-6479 and assigned to Judge Holwell of this Honorable Court.

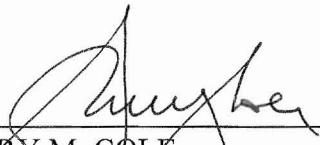
2. Attached hereto as Exhibit "A" is a full copy of the Petition to Vacate Arbitration Award together with all Exhibits submitted in the other action.

3. Also attached hereto, as Exhibit "B" is the Brief submitted in civil action no. 07-CIV-6479 which together set forth the factual and legal basis for the vacation of the arbitration award.

4. It is respectfully requested that this Court consider the documentation filed in the earlier action and resolve the controversy between the parties.

5. Respondent relies on its earlier submissions herein.

I affirm under penalty that the foregoing is true and accurate to the best of my knowledge, information and belief.

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LARRY M. COLE  
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973-403-9200

Dated: August 10, 2007